



AGENDA SPECIAL MEETING SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS

DATE: Tuesday, January 11, 2022 4:00 P.M.

LOCATION: Via- Zoom Attendance at the SAFE meeting is closed to the public per Executive Order N-29-30 and Assembly Bill 361 (AB 361). The public may join meeting by Zoom: https://zoom.us/join per the instructions provided at the end of the agenda:

Meeting ID: 824-8380-4939

DIRECTORS: Chair Ignacio Velazquez, Vice Chair Kollin Kosmicki Mary Vazquez Edge, Rolan Resendiz, and Peter Hernandez Alternates: San Benito County: Betsy Dirks City of San Juan Bautista: Scott Freels; City of Hollister: Rick Perez

Persons who wish to address the Board of Directors must complete a Speaker Card and give it to the Clerk prior to addressing the Board. Those who wish to address the Board on an agenda item will be heard when the Chairperson calls for comments from the audience. Following recognition, persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the Public Comment portion of the agenda item will be closed.

4:00 P.M. CALL TO ORDER

- A. ACKNOWLEDGE Certificate of Posting B. NOTICE OF TEMPORARY PROCEDURES FOR SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS BOARD MEETINGS: (Please see Zoom instructions at the end of the agenda)

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, and Assembly Bill 361 (AB 361), relating to the convening of public meetings in response to the COVID-19 pandemic, attendance at the SAFE meeting is closed to the public. The public may join the meeting by Zoom: https:// per the instructions provided at the end of the agenda. Additionally, members of the SAFE Board are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

CONSENT AGENDA:

(These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Members of the public who wish to speak on a Consent Agenda item must submit a Speaker Card to the Clerk and wait for recognition from the Chairperson. Approval of a consent item means approval as recommended on the Staff Report.

- 1. ADOPT Resolution 22-01 Authorizing Teleconferencing Options for the Service Authority for Freeways and Expressways Meetings for the Period of January 16, 2022 through February 14, 2022 – Rivera

ADJOURN TO MEETING OF THURSDAY JANUARY 20, 2022. AGENDA DEADLINE IS JANUARY 04, 2022, at 12:00 p.m.

In compliance with the Americans with Disabilities Act (ADA), if requested, the Agenda can be made available in appropriate alternative formats to persons with a disability. If an individual wishes to request an alternative agenda format, please contact the Clerk of the Council four (4) days prior to the meeting at (831) 637-7665. The Service Authority for Freeways and Expressways Board of Directors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831)637-7665 at least 48 hours before the meeting to enable the Council of Governments to make reasonable arrangements to ensure accessibility.

## **ZOOM INSTRUCTIONS:**

**Members of the public are encouraged to participate in Board meetings in the following ways:**

### **1. Remote Viewing**

Members of the public who wish to watch the meeting can view the meeting online through Zoom. Instructions for participating via Zoom are included below.

### **2. Written Comments & Email Public Comment**

Members of the public may submit comments via email by 5:00 PM. on the Wednesday prior to the Board meeting to the Secretary at [monica@sanbenitocog.org](mailto:monica@sanbenitocog.org). Regardless of whether the matter is on the agenda. Every effort will be made to provide Board Members with your comments before the agenda item is heard.

### **3. Service Authority for Freeways and Expressways meeting Zoom Instructions for remote Participants:**

Three ways to attend zoom meetings: **1) over the phone, 2) on a web browser, or 3) through the Zoom Smart Device Application.** Each meeting will have a meeting ID, which is a unique number associated with an instant or scheduled meeting.

#### **1. Over the phone (Audio only):**

- **(669) 900-6833 or (408) 638-0968.**

#### **2. On a Web-browser:**

- <https://zoom.us/join>

#### **3. Smart device Application:**

- Apple App store: <https://apps.apple.com/us/app/id546505307>
- Android App store: <https://play.google.com/store/apps/details?id=u.s.zoom.videomeetings>

### **Zoom Audio Only (phone)**

If you are **calling in as audio-only**, please dial **(669) 900-6833 or (408) 638-0968.**

1. It will ask you to enter the **Meeting ID, 824-8380-4939** followed by the **“#” key**, which can be found at the top page of the agenda. The meeting agenda can be found at: [http://www.sanbenitocog.org/wp-content/uploads/2022/01/SAFE\\_Specmtg Packet\\_011122.pdf](http://www.sanbenitocog.org/wp-content/uploads/2022/01/SAFE_Specmtg Packet_011122.pdf)
2. It will then ask for a **Participant ID**, press the **“#” key** to continue.
3. Once you enter the zoom meeting, you will automatically be placed on mute.
4. **Public Comment:** If you are using a phone, please press the **“\*9”** to raise your hand, zoom facilitator will unmute you when your turn arrives.

### **Zoom On Web-browser or Zoom app on Tablet or Smartphone**

If joining through web-browser launch: <https://zoom.us/join> or launch the Zoom app on your Tablet or Smartphone

1. Select **“JOIN A MEETING”**
2. You will be prompted to enter **Meeting ID,824-8380-4939**, and include a name to join the meeting. The meeting agenda can be found at: [http://www.sanbenitocog.org/wp-content/uploads/2022/01/SAFE\\_Specmtg Packet\\_011122.pdf](http://www.sanbenitocog.org/wp-content/uploads/2022/01/SAFE_Specmtg Packet_011122.pdf)
3. You can launch audio through your computer or set it up through the phone. Follow instructions provided by Zoom.
4. **Public Comment:** *click **“Raise hand”** icon, the zoom facilitator will unmute you when your turn arrives.*

### **Public Comment Guidelines**

- If participating on Zoom: Once you are selected, you will hear that you have been unmuted: State your first name, last name, and county you reside in for the record.
- The Service Authority for Freeways and Expressways Board welcomes your comments.
- Each individual speaker will be limited to a presentation total of three (3) minutes.
- Please keep your comments, brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have questions, contact the Council of Governments and leave a message at (831) 637-7665 x. 201, or email [monica@sanbenitocog.org](mailto:monica@sanbenitocog.org).

## CERTIFICATE OF POSTING

Pursuant to Government Code Section #54954.2(a) the Special Meeting Agenda for the Service Authority for Freeways and Expressways on **January 11, 2022**, at **4:00 P.M.** was posted at the following locations freely accessible to the public:

The front entrance of the Old San Benito County Courthouse, Monterey Street, Hollister, CA 95023, and the Council of Governments Office, 330 Tres Pinos Rd., Ste. C7, Hollister, CA 95023 at the following date and time:

On the **7<sup>th</sup> day of January 2022**, on or before **5:00 P.M.**

The meeting agenda was also posted on the Council of San Benito County Governments website, [www.sanbenitocog.org](http://www.sanbenitocog.org), under Meetings, SAFE Board, Meeting Schedule

I, Monica Gomez, swear under penalty of perjury that the foregoing is true and correct.

BY:   
\_\_\_\_\_  
Monica Gomez, Secretary II  
Council of San Benito County Governments



Agenda Item: 1

## Staff Report

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To: Service Authority for Freeways and Expressways  
From: Norma Rivera, Administrative Services Specialist Telephone: (831) 637-7665  
Date: January 11, 2022  
Subject: Assembly Bill 361 Teleconferencing Options For SAFE

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### Staff Recommendation:

**ADOPT** Resolution 22-01 Authorizing Teleconferencing Options for the Service Authority for Freeways and Expressways meetings for the Period of January 16, 2022, through February 14, 2022.

### Summary:

On September 16, 2021, the Governor signed Assembly Bill (AB) 361, a bill that codifies certain teleconference procedures that local agencies have adopted in response to the Governor's Brown Act-related Executive Orders. Specifically, AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders under certain prescribed circumstances or when certain findings have been made and adopted by the local agency legislative body.

### Financial Considerations:

None.

### Discussion:

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, amending his prior Executive Order N-29-20 and waiving certain provisions of the Brown Act relating to teleconferences/remote meetings by local agency legislative bodies. The Executive Order waived, among other things, the provisions of the Brown Act that otherwise required the physical presence of members of local agency legislative bodies or other personnel in a particular location as a condition of participation or as a quorum for a public meeting. These modifications remained in effect through September 30, 2021.

Under Assembly Bill (AB) 361, when the state of emergency lasts longer than 30 days, as is the case presently, the legislative body must make findings every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. AB 361 mandates that the legislative body must find that there is a continuing need for teleconferencing due to dangers posed by the ongoing state of emergency. This means that local agencies will have to put an item on the public meeting agenda at least every thirty days to make findings regarding the circumstances of the emergency and to vote to continue relying upon the law's teleconference provisions.

To continue to meet under those modified rules after February 14, 2022, the Board will again need to reconsider the circumstances of the state of emergency and again make one of the additional findings required by AB 361.

Reducing the circumstances under which people come into close contact remains a vital component of the San Benito County and SAFES's COVID-19 response strategy. Local agency public meetings are an essential government function and the last 18 months have proven that the teleconferencing format protects public access while minimizing exposure to COVID-19.

The California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution that the Omicron variant of COVID-19 is spreading quickly throughout the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>).

According to the numbers posted on the San Benito County website, as of January 3, 2022, there have been almost 800 new cases since the December 16, 2021, meeting.

**Staff Analysis:**

Staff recommends that the Board adopt findings that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees. A resolution to that effect and directing staff to return each 30 days to afford the Board the opportunity to reconsider such findings, is included herewith. If the Board adopts the proposed resolution, then it may continue to meet under the modified Brown Act teleconference rules of AB 361 through February 14, 2022.

Counsel Review: Yes

Supporting Attachment: 1. Resolution 22- 01  
2. Letter from San Benito County Health Officer



BEFORE THE SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS

A RESOLUTION OF THE SERVICE AUTHORITY )  
 FOR FREEWAYS AND EXPRESSWAYS ) Resolution No. SAFE 22-01  
 AUTHORIZING CONTINUED REMOTE )  
 TELECONFERENCE MEETINGS OF THE SAN )  
 BENITO COUNTY SERVICE AUTHORITY FOR )  
 FREEWAYS AND EXPRESSWAYS PURSUANT TO )  
AB 361 )

**WHEREAS**, the San Benito County Service Authority for Freeways and Expressways is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, pursuant to his authority under the California Emergency Services Act, California Government Code section 8625; and

**WHEREAS**, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting Law, Government Code section 54950 et seq. (the "Brown Act"), provided certain requirements were met and followed; and

**WHEREAS**, on June 4, 2021, Governor Newsom clarified that the "reopening" of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

**WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, clarifying the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and

**WHEREAS**, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (AB 361), which provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act,

provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and

**WHEREAS**, California Department of Public Health (“CDPH”) and the federal Centers for Disease Control and Prevention (“CDC”) caution that the Omicron variant of COVID-19 is spreading quickly throughout the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/omicron-variant.html>); and

**WHEREAS**, on September 30, 2021, Dr. Ghilarducci, Interim San Benito County Public Health Officer, issued a recommendation on Social Distancing at public meetings of legislative bodies within San Benito County; and

**WHEREAS**, on January 5, 2022, Dr. Gellert, San Benito County Public Health Officer, issued an updated recommendation on continued Social Distancing at public meetings of legislative bodies within San Benito County, attached hereto as Exhibit “A”, and incorporated herein by this reference; and

**WHEREAS**, the San Benito County Service Authority for Freeways and Expressways is a joint powers authority formed under the joint exercise of powers provisions of California Government Code Sections 6500-6522 and the California Code of Civil Procedure section 1240.140, among the County of San Benito, a political subdivision of the State of California, and the Cities of Hollister and San Juan Bautista, municipal corporations located in San Benito County; and

**WHEREAS**, the San Benito County Board of Supervisors is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public, health, welfare, and safety within the County of San Benito; and

**WHEREAS**, at its regular meetings on October 12, 2021, November 9, 2021, November 23, 2021, and December 14, 2021, the San Benito County Board of Supervisors considered all information related to this matter, as presented at the public meetings of the Board of Supervisors identified herein, including any supporting reports by County Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, and adopted Resolution Nos. 2021-128, 2021-140, 2021-148, and 2021-160, making the findings and determinations required by AB 361; and

**WHEREAS**, the San Benito County Service Authority for Freeways and Expressways has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings of the Local Transportation Authority; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the San Benito County Service Authority for Freeways and Expressways deems it necessary to find that a requirement to meet in person for meetings of the Service Authority for Freeways and Expressways would present imminent risks to the health or safety of attendees, and thus, intends to invoke the provisions of AB 361 related to teleconferencing; and

**WHEREAS**, at its regular meeting on October 21, 2021, November 18, 2021, and December 16, 2021, the San Benito County Service Authority for Freeways and Expressways considered all information related to this matter, as presented at the public meetings of the Board of Directors identified herein, including any supporting reports by Service Authority for Freeways and Expressways' Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, and adopted Resolution Nos. 2021-03, 2021-04, and 2021-05, making the findings and determinations required by AB 361; and

**WHEREAS**, the San Benito County Service Authority for Freeways and Expressways has further considered all information related to this matter, as presented at the public meetings of the Board of Directors identified herein as of the date of this Resolution, including any supporting reports by Service Authority for Freeways and Expressways' Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, which continues to remain in effect; and

**WHEREAS**, as of the date of this Resolution, neither the Governor nor the California Legislature have exercised their respective powers, pursuant to California Government Code section 8629, to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature, and the proclaimed state of emergency remains in effect; and

**WHEREAS**, the continued local rates of transmission of the virus and variants causing COVID-19 are such that meeting in person would present imminent risks to the health or safety of attendees of public meetings; and

**WHEREAS**, the Board of Directors of the San Benito County Service Authority for Freeways and Expressways further finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the San Benito County Service Authority for Freeways and Expressways as follows:

1. Recitals. The Board of Directors hereby finds that the facts set forth in the Recitals to this Resolution are true and correct and are incorporated into this Resolution by this reference.



2. Proclamation of Local Emergency. The Board of Directors hereby proclaims that a local emergency continues to exist throughout the County, and social distancing orders are currently in place and needed to protect the health and safety of the citizens.
  
3. Consideration of Future Extensions of Resolution. As long as the State Emergency remains in effect or until directed otherwise by the Board of Directors, staff shall present to the Board at every meeting an item necessary to continue the findings required by AB 361.
  
4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of thirty (30) days from adoption of the Resolution or such time the Board of Directors adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Service Authority for Freeways and Expressways may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.
  
5. Remote Teleconference Meetings. The staff and Counsel for the Service Authority for Freeways and Expressways are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

PASSED AND ADOPTED BY THE SAN BENITO COUNTY SERVICE AUTHORITY FOR FREEWAYS AND EXPRESSWAYS THIS 11th DAY OF JANUARY, 2022 BY THE FOLLOWING VOTE:

AYES:  
 NOES:  
 ABSTAINING:  
 ABSENT:

\_\_\_\_\_  
 Ignacio Velazquez, Chair

APPROVED AS TO LEGAL FORM:  
 SAN BENITO COUNTY COUNSEL'S OFFICE

Dated: Jan. 5, 2022

By: Shirley L. Murphy  
 Shirley L. Murphy, Deputy County Counsel

ATTEST:  
 Mary Gilbert, Executive Director

Dated: \_\_\_\_\_

By: \_\_\_\_\_

**SAN BENITO COUNTY**

HEALTH &amp; HUMAN SERVICES AGENCY

GEORGE GELLERT MD, MP, MPA  
HEALTH OFFICERTRACEY BELTON  
AGENCY DIRECTOR**PUBLIC HEALTH SERVICES**

Healthy People in Healthy Communities

January 5, 2022

CAO Ray Espinosa  
San Benito County AdministrationRe: Recommendation on Social Distancing and Hybrid Meetings

Given the considerable impact on our community from the COVID-19 virus and the Delta and more recently the Omicron variant, I strongly urge all legislative bodies, including but not limited to the County, cities, and special districts, local commissions and committees, and subsidiary bodies, continue social distancing measures for public meetings, including offering, at the legislative body's discretion, a remote or hybrid format for public meetings. Social distancing and masking remain crucial strategies in our fight to prevent contagion. The conduct of public meetings in a remote or hybrid manner enables members of the community to participate from the comfort of their homes without having to risk contracting these viruses by attending in-person meetings.

In addition, these measures help contain the spread of the disease and protect the community. All events public gatherings, including public meetings, create environments where these virus variants can potentially spread among attendees and participants. However, when combined with social distancing and effective masking practices, along with continued efforts to increase vaccination uptake within San Benito County, a remote or hybrid format for meetings maximizes avenues for public access and input and minimizes the risk of infection for the public, agency staff, meeting presenters, and legislative body members as well.

If you have any questions regarding this recommendation, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to read "George Gellert".

George Gellert MD, MPH, MPA  
Health Officer